

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	CASE NO. 8:14CR209
)	
Plaintiff,)	
)	
vs.)	TENTATIVE FINDINGS
)	
JEFFREY NEGUS,)	
)	
Defendant.)	

The Court has received the Revised Presentence Investigation Report and Addendum ("PSR") and the Defendant's objections (Filing No. 58) which relate to the determination of the number of victims and the corresponding two-level enhancement. The government has adopted the PSR (Filing No. 61) and has filed a Notice of Intent to present Evidence and Testimony (Filing No. 63). The Defendant has also filed a motion for departure and variance and supporting brief (Filing Nos. 59 and 60). See *Second Amended Order on Sentencing Schedule*, ¶ 6. The Court advises the parties that these Tentative Findings are issued with the understanding that, pursuant to *United States v. Booker*, 543 U.S. 220 (2005), the sentencing guidelines are advisory.

Accordingly,

IT IS ORDERED:

1. The Defendant's Objections to the Second Revised Presentence Investigation Report (Filing No. 58) will be heard at the sentencing hearing;
2. The Court intends to adopt the PSR in all other respects;
3. If **any** party wishes to challenge these tentative findings, the party shall immediately file in the court file and serve upon opposing counsel and the Court a motion challenging these tentative findings, supported by (a) such evidentiary materials as are

required (giving due regard to the requirements of the local rules of practice respecting the submission of evidentiary materials), (b) a brief as to the law, and (c) if an evidentiary hearing is requested, a statement describing why an evidentiary hearing is necessary and an estimated length of time for the hearing;

4. Absent submission of the information required by paragraph 3 of this Order, these tentative findings are final;

5. The Court takes note of the government's Notice of Intent to present Evidence and Testimony (Filing No. 63) and orders that any exhibit and witness lists and any exhibits it intends to offer at the time of sentencing be provided to the Court and counsel for the parties on or before March 29, 2016;

6. The Defendant's Motion for Downward Departure or Variance (Filing No. 59) will be heard at sentencing;

7. The sentencing hearing in this case for both Jeffrey S. Negus and codefendant Gregory Negus has been scheduled for Monday, April 4, 2016, beginning at 2:00 p.m. The parties are to immediately advise the Court if it is anticipated that the sentencing hearing will last more than 2 (two) hours; and

8. Unless otherwise ordered, any motion challenging these tentative findings shall be resolved at sentencing.

DATED this 9th day of March, 2016.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge